

ICC Docket No. 00-0027  
Focal Data Request No. 13

Request No. 13:

Referring to Mr. Phipps' answer to question 23 in his verified statement, is it Mr. Phipps' position that only ISP bound traffic which is terminated to Focal's network is different in relevant respects from all other traffic which terminates on Focal's network? If not, what other traffic is "different"?

Response:

First, it is important to note that according to the FCC's conclusion in its *Declaratory Ruling in CC Docket No. 96-98* at Para. 12, ISP-bound traffic does not "terminate" on Focal's network but continues to the ultimate destination or destinations, specifically at an Internet website that is often located in another state. This has resulted in this traffic being labeled as interstate for jurisdictional purposes. That said, it is Mr. Phipps' position that, consistent with the FCC's *Declaratory Ruling*, the states have the authority to treat ISP-bound traffic as local for reciprocal compensation purposes. Additionally, ISP-bound traffic is the only traffic relevant to this issue which originates on Ameritech's network and is bound for a "carrier" rather than an "end-user." Since ISP-bound traffic is the only traffic that has been distinguished in these ways, ISP-bound traffic is therefore the only traffic which differs in relevant respect from all other local traffic terminating on Focal's network.

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Phipps Cross Exhibit No. 1

Witness \_\_\_\_\_

Date 3-16-00 Reporter CB